United Nations A/C.5/52/47

General Assembly

Distr.: General
27 April 1998

Original: English

Fifty-second session
Fifth Committee
Agenda item 135

Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law committed in the Territory of the Former Yugoslavia since 1991

Report of the Secretary-General

Summary

The present report contains the third annual budget performance report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law committed in the Territory of the Former Yugoslavia since 1991 for the year ended 31 December 1997. The General Assembly decided to appropriate to the Special Account for the International Tribunal for the Former Yugoslavia $27,440,100 net ($29,825,500 gross) in resolution 51/214 B of 13 June 1997 and $21,146,900 net ($23,655,600 gross) in resolution 51/214 A of 18 December 1996. The total resources provided for the activities of the International Tribunal amounted to $48,587,000 net ($53,481,100 gross) for 1997. Of this amount, the recorded expenditures totalled $36,392,800 net, resulting in an unencumbered balance of $12,194,200 net. Of the unencumbered balance, the amount of $10 million net was already taken into account for the financing of the 1998 budget, in accordance with resolution 52/217 of 22 December 1997, to be utilized in the Tribunal's activities in 1998.

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I. Introduction

1. The budget performance report for 1997 is submitted in accordance with General Assembly resolution 49/242 B of 20 July 1995. The Assembly also requested the Secretary-General, in resolution 52/217 of 22 December 1997, to provide in the budget performance report the actual performance indicators for 1997.

2. During 1997, the International Tribunal delivered a judgement in the *Tadić* case and a sentence has been pronounced on the accused. Two trials, the *Čelebići* case and the *Blaskić* case, have been held and three full appeals have been handled. This reflects a significant increase in judicial activities over 1996 (one trial and one appeal). In addition to one newly elected Judge who took office in June 1997, on 17 November 1997, a new four-year term for five of the the Tribunal's Judges started and five newly elected Judges took office. For the *Čelebići* trial, which is currently ongoing and involves four indictees, the term of three Judges sitting on the case has been extended until the completion of the case, pursuant to General Assembly decision 51/319 B of 15 September 1997.

3. In addition, a further welcome development took place during 1997. A number of indictees were arrested or surrendered voluntarily into custody of the International Tribunal, representing an increase of indictees from 6 in the beginning of the year to 20 by the end of 1997. The arrests of the indicted war criminals had an effect on the activities of the Office of the Prosecutor, whereby the focus of activities shifted from investigation to prosecution in the second half of the year. Accordingly, staff resources devoted to investigation have been significantly diverted to prosecution activities to provide necessary support of the prosecution mandate, such as initial appearances, pre-trial proceedings and the trials themselves. The Office of the Prosecutor has undergone a substantial reorganization to meet the increased court activities in this connection. The work of the Registry, which is responsible for the administration and servicing of the judicial infrastructure of the Tribunal, was also affected, particularly in areas such as management of the defence counsel and detention units. As the overall activity level increased, the workload of the Registry correspondingly increased.

4. The present performance report comprises both the budget performance report and actual performance indicators for 1997.

II. Performance report for 1997

Table 1

Overall appropriation and expenditure

(Thousands of United States dollars)

Object of expenditure	*Appropriation*	*Expenditures*	*Variance* *Exchange rate*	*Variance* *Other*	*Total*
Posts (net of staff assessment)	28 228.0	20 379.4	(1 148.2)	(6 700.4)	(7 848.6)
Other staff costs	1 823.1	1 455.9	(94.0)	(273.2)	(367.2)
Salaries and allowances of Judges (including common staff costs)	1 955.0	1 770.9	(15.8)	(168.3)	(184.1)
Consultants and experts	391.6	154.5	(20.2)	(216.9)	(237.1)
Travel	2 700.8	1 691.5	(139.2)	(870.1)	(1 009.3)
Contractual services	5 096.2	4 611.4	(262.7)	(222.1)	(484.8)
General operating expenses	5 668.7	4 276.8	(292.2)	(1 099.7)	(1 391.9)
Hospitality	2.9	2.5	(0.1)	(0.3)	(0.4)
Supplies and materials	551.0	356.9	(28.4)	(165.7)	(194.1)
Furniture and equipment	1 499.8	1 415.7	(77.3)	(6.8)	(84.1)
Alteration to premises	669.9	277.3	(34.5)	(358.1)	(392.6)
Staff assessment	4 894.1	4 214.8	(252.3)	(427.0)	(679.3)
Total (gross)	53 481.1	40 607.6	(2 364.9)	(10 508.6)	(12 873.5)
Income from staff assessment	4 894.1	4 214.8	(252.3)	(427.0)	(679.3)
Total (net)	48 587.0	36 392.8	(2 112.6)	(10 081.6)	(12 194.2)

Budget performance

5. As contained in table 1 above, of the total net appropriation of $48,587,000, the actual expenditures recorded for 1997 amount to $36,392,800, reflecting an unencumbered balance of $12,194,200, or approximately 25 per cent of the appropriation. Of this surplus, $2,112,600 is estimated to be attributable to the favourable exchange rate and $10,081,600 is due to other factors. In this connection, it will be recalled that the financing of the 1998 budget of the Tribunal included $10 million of anticipated savings in 1997. At the end of the financial period, an additional surplus of $2,194,200 was recorded under the account. Significant variances between appropriation and expenditures are explained in the following paragraphs.

Posts (Decrease: $7,848,600)

6. A surplus of $7,848,600 was recorded under posts. This surplus may be attributed to four factors, namely, a higher vacancy rate than that assumed in the budget ($2.5 million); lower common staff costs than the original assumption ($3.1 million); variance due to exchange rate fluctuations ($1.2 million); and the difference between standard and actual salary costs ($1 million):

(a) Vacancy rate. The vacancy rate assumed in the 1997 budget of the Tribunal was 6.4 per cent for the period from 1 January to 30 June 1997 and 8.2 per cent for the period from 1 July to 31 December 1997. Actual average vacancies turned out to be 8.8 per cent for the first half of the year and 8.7 per cent for the second half of 1997;

(b) Savings under common staff costs. The standard costs for common staff costs in the 1997 budget were based upon the average cost per head in prior years, which was 55 per cent of total net salary. In prior years, however, a large number of new personnel employed by the Tribunal were eligible for the full range of allowances due upon recruitment or reassignment. As this was not the case in 1997, lower common staff costs were payable in 1997, resulting in a savings of $3.1 million;

(c) Exchange rate differences. The average exchange rate used for the Tribunal budget for 1997 was 1.84 Netherlands guilders. During 1997, the dollar strengthened significantly reaching a rate of exchange of 2.07 Netherlands guilders per dollar and averaging 1.94 Netherlands guilders per dollar. The average exchange rate of 1.94 Netherlands guilders is significantly different to that used in the 1997 budget, leading to a savings of $1.2 million under salaries;

(d) The lower actual salaries compared to the averages used in the standard salary costs in respect of the Tribunal's 189 posts in the Professional category and above and 178 posts in the General Service and related categories further contributed to the recorded savings.

Other staff costs (Decrease: $367,200)

7. The surplus of $367,200 is due mainly to the lower number of field missions in the Office of the Prosecutor, which significantly reduced the requirements for field interpreters.

Salaries and allowances of Judges (Decrease: $184,100)

8. Provisions under this heading included the relocation and removal of household effects of the five Judges who were expected to retire at the end of 1997. In order to complete the *Čelebići* trial, however, the tenure of three Judges was extended until 1998. The surplus reflects the unused relocation and removal provisions.

Consultants and experts (Decrease: $237,100)

9. The surplus of $237,100 is due mainly to the following: (a) the provision of $60,000 to allow the Tribunal to pay for the services of five *amici curiae* required by the court was not utilized since those who attended the court did not request payment; and (b) the assumption that the Chambers would conduct double sessions throughout 1997, thereby doubling the number of expert witnesses who would be called, did not materialize, resulting in a reduction of requirements by $176,500.

Travel (Decrease: $1,009,300)

10. The surplus of $1,009,300 is due to the following reasons:

(a) In the second half of 1997 several indicted persons offered themselves up for prosecution. This resulted in a significant change of activity in the Office of the Prosecutor, with many staff members involved in investigations being re-assigned to trial preparation activities. The reduction in the number of investigations

missions undertaken in the second half of 1997 led to a savings of $291,200 under travel costs;

(b) Provisions for travel in the Registry were based on an estimate of 400 witnesses coming to The Hague to testify for an average of eight days each. A total of 142 witnesses were actually brought to The Hague for an average of nine days each, thereby reducing requirements under this heading by $717,900.

Contractual services (Decrease: $484,800)

11. Under contractual services, the surplus of $484,800 may be attributed mostly to savings in the defence counsel costs ($155,200); verbatim reporting costs ($216,400); external printing ($80,800); and data-processing services ($78,700), partly offset by additional requirements in other areas.

12. The savings under defence counsel reflects the Registrar's decision to limit the number of hours that may be claimed for payment per month by defence counsel and co-counsel to 175. In the field of verbatim reporting, more favourable contractual arrangements with a new contractor resulted in significant savings. Under external printing, the reduced requirements relate to the deferral to 1999 of the second printing of the *Basic Documents* of the International Tribunal[1] as well as under-utilization of map and photographic reproduction services by the Office of the Prosecutor. Under data-processing services, provisions were made for subscriptions to access the Lexis-Nexis legal database service. Donations in-kind received during 1997 eliminated the requirement for such subscriptions from the Tribunal's budget.

General operating expenses (Decrease: $1,391,900)

13. Under general operating expenses, a surplus of $1,391,900 was recorded. The significant factors contributing to this surplus relate to rental and maintenance of premises ($961,500); commercial communications ($168,800); and maintenance of vehicles and electronic data-processing equipment ($193,600). These are explained in the paragraphs below.

14. Under rental and maintenance of premises, the surplus recorded is due to the delays experienced in moving into new premises at the end of 1996, thereby reducing rental and cleaning services costs. Under communications, reductions reflect the widespread implementation of the very small aperture terminal (VSAT) system in the region of the former Yugoslavia; the negotiation of better discounts with telephone providers in the Netherlands, as well as the installation of a new private branch exchange (PBX) system. Under maintenance of vehicles and electronic data-processing equipment the surplus results from the following:

(a) Costs for maintenance of vehicles were lower because the Tribunal's vehicle complement covered approximately 10,000 kilometres during 1997 as opposed to the 25,000 kilometres standard used for costing. The lesser area covered reflects the reduction in investigative missions undertaken by the Office of the Prosecutor;

(b) More favourable contractual arrangements for the maintenance of the automated document management system in the Office of the Prosecutor reduced requirements under maintenance of electronic data-processing equipment.

Supplies and materials (Decrease: $194,100)

15. The unencumbered balance of $194,100 related mostly to photocopy paper and supplies ($98,800) and petrol, oil and lubricants ($70,300). Provisions for photocopy paper and supplies were based on 50,000 reams of photocopy paper per year while actual consumption turned out to be approximately 20,000 reams. Under petrol, oil and lubricants, the lesser mileage covered by the Tribunal's vehicle fleet (10,000 kilometres instead of the projected 25,000 kilometres) correspondingly reduced expenditures under the item. Furthermore, 1997 fuel bills from the peacekeeping missions, which were received after the closing of the accounts, needed to be charged to the 1998 appropriation.

Furniture and equipment (Decrease: $84,100)

16. The surplus of $84,100 recorded under this heading is mainly attributable to savings achieved under hardware and software due to the delayed implementation of the Integrated Management Information System ($147,600), partly offset by additional expenditures of $70,600 related to the acquisition of security and safety equipment. Following the move to the headquarters building, it was necessary to extend the electronic control systems to cover the additional office space, the underground garage space and additional entry points to the building.

Alterations to premises (Decrease: $392,600)

17. An unencumbered balance of $392,600 was recorded under this heading. As outlined in the summary above, the appropriation for the Tribunal was granted in two installments. One effect of the split appropriation was that most of the capital expenditures and acquisitions were not funded until the second half of the year and many items of a recurring nature had to be procured twice. This placed a severe burden on the Procurement Unit in the second half of the year. As a consequence, and owing to additional workload generated by a number of large trust funds, the volume of work of the Procurement Unit was more than could be effectively completed by the Unit. The significantly high volume of work during the second half of the year resulted in many instances where procurement did not take place at year end. One action which could not be implemented at year end was the design and construction of office walls in the additional space the Tribunal had taken over in early 1997, resulting in the savings recorded under this heading. The project will nevertheless be completed in 1998 from extrabudgetary funding.

III. Action to be taken by the General Assembly at its fifty-second session

18. The General Assembly is requested to take note of the present report.

Notes

[1] United Nations publication, Sales No. E.95.III.D.1.

Annex

Comparison of forecast and actual performance indicators

The forecast performance indicators for 1997 were developed in August 1997 for inclusion in the cost estimates for the International Criminal Tribunal for the Former Yugoslavia for 1998. Because of this timing, they do not necessarily reflect the assumptions and criteria used for the calculation of the 1997 budget.

A. Chambers

Performance indicators	*Projection*	*Implementation*
Trials	2	2
Appeals (full and interlocutory)	3	10[a]
Court days	170	163
Plenary days	12	9[b]
Pre-trial motions, orders and applications	100	207
Order, warrants etc. issued by single Judge	75	60

[a] Three full appeals: *Erdemović* sentencing, *Balaskić* subpoena, *Tadić* merits and sentencing; plus seven applications to bench of three Judges: *Dokmanović* (1), *Čelebići* (6).

[b] Including November 17, Inauguration Day.

B. Office of the Prosecutor

	Projection	*Implementation*
Prosecution Section		
Motions/applications/responses	105	188
Trials under preparation	3	6
Trials being prosecuted	2	2
Trials completed	0	0
Verdicts	1	1
Appeals	3	4
Investigations Section		
Number and status of investigations	10 (3 active; 7 partially active)	19 (4 active, 3 partially active, 6 suspended, 6 in trial)
Investigations (resulting in public indictments)	1	0
Missions	400	424
Witnesses interviewed	2 300	1 126
Statements obtained	2 000	795
Leadership research team		
Major projects/reports prepared for teams	20	35

	Projection	*Implementation*
Number of missions	18	18
Documents examined	5 000	16 800 (including 8,000 medical reports)
Military Analysis Team		
Number of missions	26	23
Number of interviews	52	45
Documents analysed	15 000	18 000
Size of confidential (rule 70) document collection	8 000	10 000
Confidential (rule 70) documents analysed	3 500	4 500
Fugitive Intelligence and Sensitive Source Unit		
Intelligence reports from Interpol etc.	830	825
Requests from Governments	2 190	970
Forensic Unit		
Number of forensic missions (excluding exhumations)	4	4
Number of mass grave sites assessed for possible exhumation activity	9	10
Actual mass grave exhumations completed	2	3
Number of bodies exhumed and examined	65	70
Information and Evidence Section		
Number of documents held in the Office of the Prosecutor's evidence collection (cumulative size of collection)	113,000 documents: 791,000 pages, 1,500 videos, 36 cubic metres physical evidence	94,400 documents: 661,000 pages, 1,500 videos, 36 cubic metres physical evidence
Criminal intelligence database		
Relationships entered (cumulative total)	374 560	388 618
Documents entered (cumulative total)	2 893	2 684

C. Registry

	Projection	*Implementation*
Press and Information Office		
Media representatives/journalist listed on distribution lists	457	421
Press releases issued	170	136
Phone queries/document requests – press	13 000	15 000
Phone queries/document requests – public	4 900	3 500
Arranged visits by universities, law societies etc./visitors	25/550	32/652
Internet home page queries (per week)	21 000	30 000
Security and Safety Services		
Average number of posts and patrols covered per day	42	43

	Projection	*Implementation*
Staff ID cards issued	2 175	1 988
Personnel screened on entry to building	234 000	249 800
Parcels inspected and x-rayed	46 540	51 800
Visitor badges issued	12 480	13 990
Officers covering courtroom and accused	22	26
Detention Unit		
Detainees (average)	8	12
Victims and Witnesses Unit		
Witnesses	400	142
Witness days	3 200	1 278
Administrative applications for witnesses	2 000	1 420
Witness with additional protective measures	49	36
Relocation requests	1	0
Witnesses with additional support needs	40	9
Witness transport (Schiphol-ICTY-Schiphol)	130	134
Witness transport (hotel-court)	680	858
Library and Reference Services		
Acquisition of books	875	610
Inter-library lending service	350	420
Lexis (hours used)	1 020	412
External databases accessed (hours)	550	600
Budget and Finance Services		
Appropriation level[a]	$48.6	$48.6
Extrabudgetary expenditure[a]	$4.0	$3.9
Payroll (regular + extrabudgetary + project)	478	404
Financial statements each month	12	12
Travel claims	1 900	1 740
Disbursements	850	875
Personnel Services		
Staffing table	367	367
Other personnel (gratis, extrabudgetary, trust funds)	167	75
Applications received	2 200	1 600
Offers of appointment	150	133
Special service agreement contracts	500	438
Short-term contracts	250	316
Conference and Language Services		
Translation (pages per year)	29 500	33 100
Conference interpreters (days)	1 850	1 292
Field interpreters (days)	2 600	1 907
Verbatim reporting – French (days)	813	850
Verbatim reporting – English (days)	340	344

	Projection	*Implementation*
Electronic Support and Communications Service		
Local Area Network		
Networks supported	6	7
Network connections	400	412
Helpdesk – calls	20 800	22 435
Helpdesk – calls/support person	5 200	5 608
Helpdesk – computers *in situ*	390	430
Audio/Visual – court sessions supported	183	176
Audio/Visual – video editing requests	69	97
Communications – phone extensions	500	460
Communications – support requests	2 175	2 286
Communications – VSAT stations on-line	1	1
Programming – projects	11	14
Programming – applications users	385	400
General Services Section		
Procurement		
Purchase orders raised	421	407
Contracts raised	60	73
Local Committee on Contracts cases	74	125
Headquarters Committee on Contracts cases	6	6
Invoices processed	1 106	1 023
Travel		
PT8 raised	1 954	2 408
Travel invoices	1 700	1 984
Building Management Unit		
Work orders completed	710	650
Major maintenance projects	18	19
Electoral construction projects	12	8
Mail and Pouch		
Outgoing mail (pieces)	47 500	41 923
Incoming mail (pieces)	76 500	72 601
Graphics		
Requests for reproduction	1 237	917
Pages reproduced (centrally)[b]	3.5	3.5
Protocol		
Visa/ID applications	578	396
Receiving and Inspection		
Inspection reports	270	287
Drivers		
Trips undertaken	962	1 216

[a] Millions of United States dollars.

[b] Millions of pages.